

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2237 – SB 2635

January 22, 2012

SUMMARY OF BILL: Authorizes local directors of schools to suspend teachers prior to dismissal, pending an investigation or final hearing before the board of education or an appeal. Restates present statutory language authorizing tenured teachers, who have received notice that the local board has determined the charges warrant dismissal or suspension, to request a hearing. Prohibits tenured teachers from receiving a hearing when the suspension is five days or less. Specifies that a dismissed tenured teacher may petition for a writ of certiorari in the chancery court. Deletes language pertaining to whom the petition for a writ of certiorari should be addressed.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – Not Significant

Decrease Local Expenditures – \$2,800

Assumptions:

- Teachers will no longer have the ability to request a hearing for disciplinary action resulting in a suspension of five days or less.
- According to the Comptroller's Office of Research and Education Accountability (OREA), disciplinary hearings are not common occurrences in most local education agencies (LEAs).
- According to the Secretary of State's Office, Administrative Procedures Division (APD), administrative judges heard ten disciplinary cases in 2011. Six cases were terminations and four were suspensions of five days or less. Most disciplinary cases are heard by APD judges.
- The APD charges \$100 per hour to utilize its judges. Each case requires seven hours of work resulting in a cost to local government of \$700 (7 hrs x \$100) per case.
- The number of cases heard by APD judges will decrease by four each year. Local governments will decrease expenditures by \$2,800 (\$700 x 4 cases).
- The total decrease in cases and local expenditures will be dependent upon the actual number of hearings that would have been held in the absence of this bill.

- Based on information provided by the Administrative Office of the Courts, the number of such cases heard in a chancery or appellate court is low. Any decrease in state or local government expenditures as a result of fewer cases being heard in the court system will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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